UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JOHN HANCOCK LIFE INSURANCE COMPANY, JOHN HANCOCK VARIABLE LIFE INSURANCE COMPANY and MANULIFE INSURANCE COMPANY, Plaintiffs, v. ABBOTT LABORATORIES, Defendant.	CIVIL ACTION NO. 05-11150-DPW

ABBOTT'S DEPOSITION DESIGNATIONS AND COUNTER DESIGNATIONS FOR LISE LOBERG

Defendant Abbott Laboratories ("Abbott") respectfully submits the attached deposition designations and counter-designations for the February 2, 2007 deposition of Lise Loberg, Toxicologist, ABT-518 Team, Abbott Laboratories.

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Dated: February 18, 2008

Respectfully submitted,

ABBOTT LABORATORIES

By: __/s/ Eric J. Lorenzini_____
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CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on February 18, 2008.

Date: February 18, 2008.

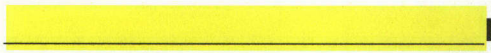
/s/ Ozge Guzelsu

Lise Loberg Deposition Designations

Depo Date	Witness	Hancock Designation	Abbott Counter Designation	Abbott Designation	Deposition Exhibit	Plaintiff Exhibit	Defendant Exhibit
2/2/2007	Loberg, Lise	4:16-6:16					
2/2/2007	Loberg, Lise	7:19-8:4					
2/2/2007	Loberg, Lise	9:14-10:22					
2/2/2007	Loberg, Lise	12:2-12:19					
2/2/2007	Loberg, Lise	17:16-17:21					
2/2/2007	Loberg, Lise	20:19-21:11			3		
2/2/2007	Loberg, Lise	21:24-25:11					
2/2/2007	Loberg, Lise	53:3-53:14					
2/2/2007	Loberg, Lise	53:19-53:23					
2/2/2007	Loberg, Lise	54:21-55:5					
2/2/2007	Loberg, Lise	55:12-56:3					
2/2/2007	Loberg, Lise	58:22-58:24					
2/2/2007	Loberg, Lise	61:8-61:20			8		
2/2/2007	Loberg, Lise	62:10-63:14					
2/2/2007	Loberg, Lise		63:15-64:2				
2/2/2007	Loberg, Lise		64:21-64:24				

Depo Date	Witness	Hancock Designation	Abbott Counter Designation	Abbott Designation	Deposition Exhibit	Plaintiff Exhibit	Defendant Exhibit
2/2/2007	Loberg, Lise	67:9-67:16					
2/2/2007	Loberg, Lise	70:4-70:15			9		
2/2/2007	Loberg, Lise		70:16-70:16				
2/2/2007	Loberg, Lise		72:14-74:13				
2/2/2007	Loberg, Lise	76:24-77:9			10		
2/2/2007	Loberg, Lise		101:12-105:14				
2/2/2007	Loberg, Lise		106:1-106:24				
2/2/2007	Loberg, Lise	107:12-108:21			14		

Color Key to Deposition Designations


Designation by Plaintiffs


Counter Designation by Defendants


Designation by Defendants

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF MASSACHUSETTS

JOHN HANCOCK LIFE INSURANCE)
COMPANY, JOHN HANCOCK)
VARIABLE LIFE INSURANCE)
COMPANY, and MANULIFE)
INSURANCE COMPANY (f/k/a)
INVESTORS PARTNER INSURANCE) Civil Action No.
COMPANY),) 05-11150-DPW
Plaintiffs,)
-vs-)
ABBOTT LABORATORIES,)
Defendant.)

The videotaped deposition of LISE LOBERG, called for examination, taken pursuant to the Federal Rules of Civil Procedure of the United States District Courts pertaining to the taking of depositions, taken before THERESA A. VORKAPIC, a Notary Public within and for the County of Kane, State of Illinois, and a Certified Shorthand Reporter, CSR No. 84-2589, of said state, at Suite

1300, Two North LaSalle Street, Chicago, Illinois, on the 2nd day of February, A.D. 2007, at approximately 9:27 a.m.

PRESENT:

CHOATE HALL & STEWART, LLP,
(Two International Place,
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617-248-5000), by:
MR. JOSEPH M. ZWICKER,
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appeared on behalf of Plaintiffs;

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MR. ERIC J. LORENZINI,
eric.lorenzini@mto.com,
appeared on behalf of Defendant.

VIDEOTAPED BY: SCOTT CAMPBELL, Legal Videographer, Esquire Deposition Services

REPORTED BY: THERESA A. VORKAPIC, C.S.R. Certificate No. 84-2589

Q. Good morning, Dr. Loberg.

A. Hi.

Q. I represent John Hancock and other Plaintiffs and I'm going to be asking you some questions this morning, okay. If I ask you a question that you don't understand, ask me for clarification and I'll try to clarify it, okay.

The other rule is you have to answer questions verbally, not with nods of the head. Got it?

A. Yes.

Q. The Reporter can't pick up a head nod. If you need a break, ask and we'll give you one, okay?

A. Okay.

Q. Where are you presently employed?

A. Abbott Laboratories.

Q. What's your job?

A. I'm a toxicologist.

Q. Is that your official title, toxicologist?

A. Yes. Research scientist, toxicologist.

Q. What is toxicology?

A. It's the -- the simplest explanation is

the study of poisons on the body and what that means is we study the safety of drugs.

Q. How long have you been a toxicologist at Abbott?

A. At Abbott, seven years.

Q. Since 2000?

A. Yeah, December 1999.

Q. Have your responsibilities changed between December 1999 and today?

A. Yes. I have had two promotions. My responsibilities have not changed dramatically. I do pretty much the same work that I did before.

Q. Tell us what your responsibilities at Abbott are as toxicologist.

A. As a study director, I run studies which means that I set up the study design, make sure that the study is conducted according to the appropriate regulations, analyze the results and write the report.

I have other duties as a toxicology representative on project teams, and in that case, what I do is present results from toxicology studies at project meetings.

Q. What was your job before Abbott?

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A. Prior to Abbott, I worked at IIT Research Institute for four years.

Q. Doing what?

A. Conducting research, molecular toxicology research.

Q. Before IIT?

A. Before that I was in graduate school at the University of Cincinnati.

Q. What degree did you earn and when?

A. I earned a Ph.D. in toxicology in 1996.

Q. What was your undergraduate education?

A. My undergraduate education was at John Carroll University. I have a Bachelor of Science degree in psychology.

Q. What year?

A. 1989.

Q. How did you prepare for your deposition today?

A. I met with Eric.

Q. When?

A. Tuesday.

Q. For how long?

A. A couple of hours.

Q. Who was present?

A. It was myself and Eric and Pete Witte was there for part of the time.

Q. You understood he was a lawyer for Abbott?

A. Yes.

Q. The meeting took place at Abbott Park?

A. Yes.

Q. Is that where you work?

A. Yes.

Q. That's where you've worked since 2000?

A. Yes. I was at Abbott's facility in Germany for a year and a half.

Q. What year was that?

A. That was starting 2002 through August 2003.

Q. So for the period 2000, 2001 you were in at Abbott Park in Illinois, right?

A. That's correct.

Q. There came a time when you became assigned to the project team for a compound then under development then known as ABT-518, correct?

A. Correct.

Q. What was your role in connection with the development of ABT-518?

A. I believe I ran a couple of the studies on that project, not all of them, and I acted as a representative to the project team. I presented results.

Q. What year were you assigned to the development of ABT-518?

A. 2000 I think. I don't know.

Q. Who is Bill Bracken?

A. At that time Bill Bracken was the manager of toxicology. I reported to him.

Q. Did there come a time when you took over his responsibilities?

A. Not entirely.

Q. You said you ran two studies in connection with 518; is that right?

A. I don't know how many. I think maybe one or two. I don't recall exactly.

Q. What did you do -- sorry I cut you off. Finish your answer.

A. I don't remember exactly who was the study director on the studies.

Q. The study director for toxicology?

A. Yes. So in a development program there are several different studies that are conducted.

Q. When you say studies, you mean toxicology studies, right?

A. Correct. I mean toxicology studies. And each one most likely has a different study director. As a representative, I'm not necessarily the study director on all the studies involved.

Q. Were you the study director for either of the two, one or toxicology studies that you've discussed?

A. I would have to see a listing of all the studies with the study directors to know for sure.

Q. In any event, with respect to the one or two studies that you testified to, you testified that you ran those studies; is that right? Let me ask you a different question.

What did you to with respect to the one or two studies that you were involved with 518?

A. I presented results from those studies at project team meetings.

Q. Where did you get the results that you presented?

A. From internal meetings at which results

were presented from the people who obtained those results.

Q. These were other people involved in the toxicology component of the development?

A. Correct, yes.

Q. What people were those?

A. In any given toxicology study, there is the study director, there is the pathologist, and then for additional assays there may be other scientists, for example, drug analysis.

Q. Assays are tests?

A. Yeah. Assays and tests are the same thing.

Q. So is it fair to say that you reported the results of information provided to you by others in connection with your toxicology work on 518?

A. Yes, that's correct.

Q. Who did you report to during the time you were involved on 518?

A. I reported to Bill Bracken who was the manager of toxicology.

Q. In connection with your work on ABT-518, did you draft monthly highlight reports?

PART 3

BY MR. ZWICKER:

Q. Are you familiar with the MMPI Working Group?

A. Yes.

Q. What is it?

A. For every compound that we have in development, there's a project team that is comprised of a number of individuals from the different functional areas that contribute to development.

Q. Were you a member of the MMPI working team for 518?

A. I can't say that I was a standing member of the group. I know that I attended a few meetings and presented results. I don't believe that I would have attend all of the meetings.

Q. Why not?

A. I was at too junior of a position at the time.

Q. Were you working on toxicology issues for other compounds at the same time you were working on 518?

A. Yes.

Q. How many?

compound on chromosomes, whether there is damage to the chromosomes.

Q. What's cytotoxicity?

A. Cytotoxcity is the effect on whole cells so if a compound kills cells invitro.

Q. What's ligand binding assays?

A. Ligand binding assays I'm less familiar with. I don't know what that refers to.

Q. Am I right that you were not involved as the study director in connection with any studies of genotoxicity, clastogenicity, cytotoxcity and ligand binding assays?

A. I would not have been the study director on any of those studies. That's not my expertise.

Q. So there was toxicity work that took place with respect to 518 before you became involved; is that fair? Let me strike that.

There was toxicity work done for 518 that you weren't involved in, correct?

A. Correct.

MR. ZWICKER: 2.

(WHEREUPON, a certain document was marked Loberg Deposition

specifically, but it looks like it.

Q. Your name is there, right?

A. Yes.

Q. Were you aware that notes were taken at MMPI Working Group meetings?

A. Yes.

Q. Who took the notes?

A. I don't remember.

Q. Was it Diane D'Amico?

A. It may have been. I don't remember.

Q. Do you know what happened to the notes that the person took?

A. No.

Q. So you never saw draft written minutes for these meetings; is that right?

A. Not that I recall.

Q. You might have?

A. I might have.

Q. Read the toxicology portion of Exhibit No. 3 and let me know if it refreshes your recollection of a meeting that took place in January 2001 regarding 518?

A. I remember --

Q. Let me ask you a question.

A. Yes.

Q. The meeting minutes refer to two toxicity studies, correct?

A. Yes.

Q. Do you remember in January of 2001 you were involved in two toxicity studies in connection with 518?

A. Yes. I remember this six-week study and a three-month study. I wouldn't be able to say it was January 2001, but I do remember the studies.

Q. You were the study director for those two studies?

A. I believe I was the study director for the six-week study, and I don't remember who the study director was for the three-month study.

Q. Who else could it have been?

A. It could have been any one of my toxicology colleagues at the time.

Q. If you weren't the study director, you were the presenter with respect to the three-month study; is that correct?

A. Yes.

Q. Was it your understanding in the period

of January 2001 that there were two ongoing toxicology studies for 518, the three-month study and the six-week study; is that your recollection?

A. Based on these minutes, yes, in January.

Q. You have a recollection there were two ongoing studies taking place for 518, a six week and a three month?

A. Right, but the exact timing --

Q. Fair enough. Let's start with the six-week study. The minutes say the main purpose of the six-week study is to determine an etiology and mechanism for the steatosis noted in previous toxicity studies."

Do you see that?

A. Yes.

Q. Can you explain that in plain English, the objective of the six-week study?

A. Yeah. Steatosis is a finding in the liver that was seen in a study done earlier and we designed this six-week study in order to find out more about what that steatosis was, what was discussing causing it and what the specific biochemical mechanism might be.

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Q. You said a finding in the liver.

What finding in the liver?

A. Steatosis.

Q. What is steatosis?

A. It's a buildup of fatty material in the liver.

Q. And the purpose of the study was to determine whether there was a relationship between 518 and steatosis?

MR. LORENZINI: Objection.

BY THE WITNESS:

A. The purpose of the study was to recreate the steatosis and look at some of the earlier time points before the steatosis became I'll say visible, but that's visible upon microscopic analysis of the liver tissue.

So the purpose was to look at earlier time points and look at a number of different tests we could do in cells or in tissue from the liver looking at some of the things that we know to be related to steatosis.

BY MR. ZWICKER:

Q. Was your objective to see if there was a correlation between 518 and steatosis in the

liver?

A. That would have been an objective, yes.

Q. The minutes also refer to three-month study.

Do you see that?

A. Uh-huh.

Q. What was the purpose of the three-month study?

A. The three-month GLP study was one that was conducted in order to support clinical trials of a certain duration.

Q. What's GLP mean?

A. GLP is good laboratory practices. It's is a FDA regulation that we adhere to.

Q. How would the three-month GLP study support Phase I clinical trials?

A. It's required to have preclinical studies in two species of the same or longer duration than the clinical trials planned and during the course of development, successively longer toxicology studies are conducted in order to support successively longer clinical trials.

Q. So the objective would be to determine tolerability in animals as a precursor to starting

Phase I trials?

MR. LORENZINI: Objection.

BY THE WITNESS:

A. Yes. The purpose of these studies is to determine safety margins so one of the objectives of the studies is to identify toxicology or toxicity and to then look at what was the dose and the exposure at that level of toxicity compared to the dose and the exposure at the level of efficacy where the drugs are effective.

Q. In your mind, was the three-month study important to a successful Phase I clinical trial?

MR. LORENZINI: Objection.

BY THE WITNESS:

A. I think that the three-month study was conducted to support beyond Phase I. I think that -- I don't recall this specific program, but in general we have a shorter study, a one-month study that's GLP that's supporting the Phase I clinical trial. And the three-month study is then conducted at the time the Phase I clinical trial is ongoing or afterwards in order to support Phase II. That's the typical development scenario.

Q. I'm talking about a period in March of 2001.

Did you learn in March of 2001 that all development activity for 518 had been put on hold?

A. No.

Q. In March of 2001, did you learn that development activity for toxicology had been put on hold?

A. No. I don't remember that in March.

Q. Do you remember attending any meetings with Dr. Nabulsi in which he told you that Dr. Leiden had directed that the 518 project be terminated?

A. No.

Q. Did you meet with Dr. Nabulsi?

A. I don't think that I ever met with him one on one. He may have been at some of the meetings I was at.

Q. Do you recall hearing from any other members of the 518 project team that development activities for 518 had been terminated as of March 2001?

A. I don't remember that.

(WHEREUPON, a certain document

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was marked Loberg Deposition Exhibit No. 7, for identification, as of 2/2/07.)

(WHEREUPON, the document was tendered to the witness.)

BY MR. ZWICKER:

Q. Before the witness is Loberg Exhibit No. 7, which is an oncology status report from March 16, 2001.

Dr. Loberg, if you could read Section 4 entitled Toxicology and let me know when you're done.

A. Okay.

Q. In the middle of the paragraph, it says: "The group plans to complete only those analyses already started. They will not initiate any new analyses; however, they may decide to go back and look at the long chain fatty acids."

Do you see that?

A. Yes.

Q. Did you learn on around March 16, 2001 that only toxicology work under way would be completed?

A. No, I don't recall that.

Q. Do you recall in March of 2001 that there was any restriction upon completing the two toxicology studies we've discussed, the six-week study and the three-month study?

A. No. I don't remember any restrictions.

Q. Did you write Section 4 of this document?

A. I didn't write this section, no.

Q. But you remember you were a member of the toxicology team, weren't you?

A. Yes.

Q. Wouldn't you have expected that you would have learned that there had been a hold on toxicology activities as a member of the team?

MR. LORENZINI: Objection. Assumes facts not in evidence.

BY THE WITNESS:

A. If there had been a hold, I would have been aware of it.

BY MR. ZWICKER:

Q. Are you saying you don't remember one way or another whether there was a hold on some toxicology activities? Is that your testimony?

MR. LORENZINI: Objection.

BY THE WITNESS:

A. I don't recall that there was a hold on any activities at that time.

BY MR. ZWICKER:

Q. The sentence that says they will not initiate any new analyses, however, they may decide to go back and look at long chain fatty acids, do you see that?

A. Yes.

Q. You have no reason to think that that sentence is incorrect, do you?

A. No, I don't. I don't think this refers to any particular hold on the study, either. What this refers to is in that six-week study, there was a long list of various tests that we could have done, and we conducted a number of those and earlier in this paragraph it says the data was available and analyzed and there were no glaring effects on mitochondrial function.

So what this means to me is that by completing those analysis started and not initiating any new analyses is that we had learned pretty much what we needed to learn from the analysis that had already been completed and that

peroxisomal function whereas the other analyses looked more specifically at mitochondrial function.

Q. What's peroxisomal function?

A. The mitochondrial and peroxisomes are subcellular functions that both have different functions in terms of lipid metabolism or storage maybe, and what we were looking at is how that lipid metabolism is affected in the liver so we were looking at mitochondria and then the long chain fatty acids was to look at peroxisomes.

Q. Did you view the long chain fatty acid analysis as an important analysis?

MR. LORENZINI: Objection.

BY THE WITNESS:

A. I viewed it as an analysis that would add to what we had already had with the mitochondria, but it didn't necessarily -- I don't know that it was particularly crucial. It was just another piece of evidence.

BY MR. ZWICKER:

Q. Do you recall that Abbott put a hold on performing the long chain fatty acid analysis?

A. I don't recall a hold on that.

PART 6

had been put on hold by April of 2001?

MR. LORENZINI: Objection.

BY THE WITNESS:

A. I vaguely recall that there was a hold on the histopathology on the three-month study. I don't know exactly when that occurred.

MR. ZWICKER: Eight.

(WHEREUPON, a certain document was marked Loberg Deposition Exhibit No. 8, for identification, as of 2/2/07.)

(WHEREUPON, the document was tendered to the witness.)

BY MR. ZWICKER:

Q. Before the witness is Loberg Exhibit No. 8 which are MMPI Working Group minutes from April 12, 2001.

Dr. Loberg, would you review the section relating to toxicology?

A. Okay.

Q. You were the presenter with respect to the six-week and three-month studies on April 12, 2001, weren't you?

A. That's correct.

Q. Were you also the medical director -- the study director for both studies at this point? Can you recall?

A. I was the study director on the six-week study. I don't think I was the study director on the three-month study.

Q. Does looking at this document refresh your recollection about who was?

A. No, it doesn't.

Q. Does reviewing this document refresh your recollection that necropsy analysis of samples from the three-month study was put on hold by April 12, 2001?

MR. LORENZINI: Objection. Vague and ambiguous.

BY THE WITNESS:

A. I remember that the -- again, this is using the wrong terminology, but the histopathology was put on hold.

BY MR. ZWICKER:

Q. Okay. When was the histopathology put on hold?

A. I only remember that it was at a point after the necropsy itself would have taken place.

I don't remember exactly the date or even the month that we were asked to put that on hold.

Q. It was sometime prior to April 12, though, it wasn't?

MR. LORENZINI: Objection. Mischaracterizes the testimony.

BY THE WITNESS:

A. Yeah, it would seem that that's the case.

BY MR. ZWICKER:

Q. You've testified that the histopathology was a significant part of the study, correct?

A. Yes.

Q. Why was it put on hold?

A. Histopathology is one aspect of the study that can be placed on hold since the tissues are held in a fixative and they don't degrade in that fixative. That is one of the few portions of a study that can actually be postponed to a later date.

Q. Okay. My question to you is not whether it could have been put on hold but why it was it put on hold?

A. That I don't really recall -- I don't recall why it was.

Q. Who put it on hold?

MR. LORENZINI: Objection.

BY THE WITNESS:

A. We would have been asked by the project team or the working group or somebody in the team.

BY MR. ZWICKER:

Q. Based on your practice and experience, who would have told you to put the histopathology portion of the three-month study on hold?

MR. LORENZINI: Objection.

BY THE WITNESS:

A. Based on what I've seen in the seven years I've worked at Abbott, it's generally a decision that's made at the team level or at the level of the leader of the project team or in this case the Working Group. I'm not sure who specifically would make a decision like that.

BY MR. ZWICKER:

Q. Did you have an understanding as of April 12, 2001 that any other aspects of the three-month study were also put on hold?

A. No.

PART 7

compound. I don't think there were any significant issues there.

BY MR. ZWICKER:

Q. Did anyone tell you -- I am sorry if you weren't finished with your answer. Go ahead.

A. And not knowing what the overall priorities are with different compounds, I didn't know.

Q. Did you know that as of March 16, 2001 that with the exception of the clinical trial that all development activities with regard to 518 were put on hold by Dr. Leiden?

MR. LORENZINI: Objection. Asked and answered.

BY THE WITNESS:

A. In March, no.

BY MR. ZWICKER:

Q. Were you aware as of April 12, 2001 that any aspects of the development of 518 were also put on hold?

MR. LORENZINI: Objection.

BY THE WITNESS:

A. At the time of the three-month study histopathology analysis was put on hold, there may

funding status, no.

MR. ZWICKER: Theresa, let's mark this as the next exhibit.

(WHEREUPON, a certain document was marked Loberg Deposition Exhibit No. 9, for identification, as of 2/2/07.)

(WHEREUPON, the document was tendered to the witness.)

BY MR. ZWICKER:

Q. Before the witness is Loberg Exhibit No. 9, MMPI monthly meeting agenda for that April 12, 2001 MMPI Working Group.

Dr. Loberg, do you recognize the handwriting on this document?

A. No, I don't.

Q. Do you know Diane D'Amico?

A. I know of her.

Q. Do you recall working with her on 518?

A. Remember that she was at some of the meetings.

Q. Look at Roman Numeral I, Toxicology, L. Loberg; do you see that?

A. Uh-huh, yes.

this document it looks like it, yes.

Q. Does reading that handwritten note refresh your recollection that Perry Nissen directed that no analysis of the three-month samples be undertaken until further instruction?

MR. LORENZINI: Objection.

BY THE WITNESS:

A. I don't recall specifically that it was Perry Nissen that requested that that not be done.

BY MR. ZWICKER:

Q. Who do you recall -- sorry. Were you done with your answer?

A. I don't recall who.

Q. Do you recall somebody directing that the three-month sample -- that analysis of the three-month sample not be completed until further instruction?

A. I don't recall exactly when anybody was instructed not to complete that. I just remember that in that study there was a period of time that we waited, but I don't recall exactly when that was -- when that was told to us or requested of us.

Q. Having reviewed this document, do you

have any doubt that as of April 12, Abbott had put a hold on analyzing the histopathology results from the three-month study?

MR. LORENZINI: Objection. Vague and ambiguous. By as of are you including the date itself, April 12?

BY MR. ZWICKER:

Q. I'll stand on the question. Can you answer?

A. That prior to this meeting there had been a hold.

Q. As of the date of this meeting?

MR. LORENZINI: Objection. Vague and ambiguous.

Could the Court Reporter read the question back, please?

(WHEREUPON, the record was read by the reporter.)

MR. LORENZINI: Objection, but you can answer.

BY THE WITNESS:

A. I can't say from reviewing this document if this was a decision made at this meeting or prior to this meeting. It may have

PART 8

been made at this meeting.

BY MR. ZWICKER:

Q. Okay. Let me put the question to you a different way.

The document is dated April 12, right?

A. Yes.

Q. Any doubt in your mind that by the close of business on April 12, 2001 that Abbott had put a hold on processing the histopathology results from the three-month trial?

MR. LORENZINI: Objection.

BY THE WITNESS:

A. That would seem to be the case.

BY MR. ZWICKER:

Q. Do you know why Abbott put that hold on analyzing those results?

MR. LORENZINI: Objection. Lacks foundation. Asked and answered.

BY THE WITNESS:

A. No. I don't know why.

BY MR. ZWICKER:

Q. Look at the lower lefthand part of the first page of Exhibit 9. There's more handwritten notes. It says: "Per Perry, kill scenario,

A. Uh-huh. I see that.

Q. Do you have any recollection of being in a meeting where Jeff, Dr. Leiden's views, regarding the future of 518 were discussed?

A. No, I don't.

Q. Do you recall there being post meeting gatherings after Working Group meetings?

A. No.

Q. Do you ever recall anyone saying Jeff wants to kill this?

A. I don't recall that.

Q. Do you know what a white paper is?

MR. LORENZINI: Objection. Vague.

BY THE WITNESS:

A. Yes, I've never written one, but I know the general concept of what a white paper is.

BY MR. ZWICKER:

Q. What is it?

A. A position statement on an issue.

Q. Do you know whether a white paper was ever written regarding 518?

MR. LORENZINI: Objection. Lacks foundation. Vague and ambiguous.

(WHEREUPON, a certain document

was marked Loberg Deposition Exhibit No. 10, for identification, as of 2/2/07.)

(WHEREUPON, the document was tendered to the witness.)

BY MR. ZWICKER:

Q. Before the witness is Loberg Exhibit No. 10, which is an oncology status report of May 11, 2001.

Dr. Loberg, would you read Section 4, Toxicology and let me know when you're done?

A. Okay.

Q. Just focusing your attention on the second sentence and the first bullet point: "While there was no glaring evidence of effects on mitochondrial function, we are going to send selected samples for assay of very long chain fatty acids to further investigate the possibility that peroxisomes are affected."

Do you see that?

A. Yes.

Q. Do you recall a discussion about undertaking analysis of long chain fatty acids in connection with the six-week study?

THE VIDEOGRAPHER: Going off the record. Time now is 11:51 a.m.

(WHEREUPON, discussion was had off the record.)

THE VIDEOGRAPHER: We're back on the record. Time now 12:01 p.m.

MR. ZWICKER: I have no further questions today.

MR. LORENZINI: I have a few questions.

EXAMINATION

BY MR. LORENZINI:

Q. Dr. Loberg, could you turn to Exhibit 8, please? Do you recall testifying earlier about some toxicology studies that according to the documents were put on hold at some point in time?

A. Yes.

Q. I because want to go back over that to clarify some of the timing issues. I think you testified Exhibit 8 reflects a presentation that you gave at the April 12, 2001 meeting; is that correct?

A. Yes.

Q. Do you have any reason to believe that these MMPI Working Group meeting minutes do not

PART 9

accurately reflect your presentation at that meeting?

A. I have no reason to believe so, no.

Q. I'll go ahead and read it for the record. Under the second bullet point, it states: "No steatosis was noted in either treated group. There is no glaring evidence of effects on mitochondrial function, however, selected samples will be sent out for assay of very long chain fatty acids, VLCFA, to further investigate the possibility that peroxisomes are affected."

Based on this summary of your presentation at the April 12, 2001 meeting, what was the status of the analysis of very long chain fatty acids as of April 12, 2001?

MR. ZWICKER: Objection.

BY THE WITNESS:

A. Based on these minutes, the status of that assay that the samples were going to be that the samples were going to be sent out for assay.

BY MR. LORENZINI:

Q. According to these April 12, 2001 minutes, as of April 12, 2001, was the analysis of the very long chain fatty acids on hold?

A. No, not as of April 12.

Q. Could you turn to Exhibit 10, please. For the record, this is the oncology status report dated May 11, 2001. Could you turn to Page 2, Section 4, Toxicology? And if you'll look at the third sentence, it states: "While there is no glaring evidence of effects on mitochondrial function, we are going to send selected samples for assay of very long chain fatty acids to further investigate the possibility that peroxisomes are affected. Draft results are currently available and the report is expected by 6, 2001."

Do you see that?

A. Yes.

Q. Do you have any reason to believe that this oncology status report dated May 11, 2001 does not accurately reflect the status of toxicology as of that date?

A. No, I have no reason to believe so.

Q. According to your reading of this document, what was the status of Abbott's analysis of very long chain fatty acids from the rat study as of May 11, 2001?

MR. ZWICKER: Objection. Lacks foundation.

BY THE WITNESS:

A. From these minutes, it appears that the assay was still planned to continue.

BY MR. LORENZINI:

Q. According to this oncology status report, was the very long chain fatty acid analysis still on hold?

A. No, not according to this report.

Q. I believe you testified earlier that the toxicology section of these oncology status reports that the information there would have been provided either by you or Bill Bracken; is that correct?

A. Yes, I believe this would have come from meeting minutes.

Q. From which meeting minutes?

A. The previous Working Group meeting.

Q. So the MMPI Working Group meeting just prior to May 11, 2001?

A. Yes, correct.

Q. And so it would have come from your presentation at that meeting?

A. Yes, that's correct.

Q. And in your presentations to the MMPI Working Group, did you always try to be as accurate as possible concerning the status of toxicology?

A. Yes.

Q. Do you have any reason to believe that the analysis of very long chain fatty acids was on hold any time prior to or on May 11, 2001?

A. No, I have no reason to believe that that was on hold at that time.

Q. So if the analysis of very long chain fatty acids was at some point placed on hold, that would have been after May 11, 2001?

A. Correct.

MR. LORENZINI: I have no further questions.

MR. ZWICKER: I need a minute. Why don't we go off the record.

THE VIDEOGRAPHER: Going off the record. Time now is 12:01 p.m.

(WHEREUPON, a recess was had.)

THE VIDEOGRAPHER: We're back on the record. Time now is 12:09.

FURTHER EXAMINATION

BY MR. ZWICKER:

PART 10

Q. Dr. Loberg, take a look at Exhibit No. 10.

Q. Under Section IV, Toxicology, do you see that?

A. Yes.

Q. It says: "While there is no glaring evidence of effects on mitochondrial function, we are going to send selected samples for assay of very long chain fatty acids to further investigate the possibility that peroxisomes are affected."

Do you see that?

A. Yes.

Q. Isn't it true what's contemplated there is the sending out of samples for analysis?

A. Yes.

Q. In fact, the actual analysis of those samples was not undertaken by Abbott; isn't that true?

MR. LORENZINI: Objection. Vague and ambiguous.

BY THE WITNESS:

A. Yes, if the samples were being sent out, then they are being analyzed at a laboratory outside of our laboratories in Abbott.

BY MR. ZWICKER:

Q. But there is a distinction between sending data out for analysis and actually analyzing it, isn't there?

MR. LORENZINI: Objection. Vague and ambiguous.

BY THE WITNESS:

A. In this case, it would be samples that were sent for measurement of the very long chain fatty acids.

BY MR. ZWICKER:

Q. Isn't true that as of June 6, no analysis of those long chain fatty acids had been undertaken?

MR. LORENZINI: Objection. Lacks foundation.

BY MR. ZWICKER:

Q. Take a look at Exhibit 14, Page 2, No. 2.

MR. LORENZINI: Can the Reporter please repeat the question.

(WHEREUPON, the record was read by the reporter.)

MR. LORENZINI: Objection. Lacks foundation, calls for speculation.

BY THE WITNESS:

A. That appears to be true from this e-mail.

BY MR. ZWICKER:

Q. So based on the two documents you looked at, the long chain fatty acids were sent out for analysis but never analyzed, at least as of June 7, right?

MR. LORENZINI: Objection. Lacks foundation. Calls for speculation.

BY THE WITNESS:

A. I can't say for sure whether the samples were sent out or not based on the information that we have.

BY MR. ZWICKER:

Q. But you can say based on the information we have that as of June 6, those samples were never analyzed, right?

MR. LORENZINI: Objection. Lacks foundation.

BY THE WITNESS:

A. Correct.

MR. ZWICKER: Nothing further.

MR. LORENZINI: I have nothing further.

THE VIDEOGRAPHER: Going off the record. The

19525

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF MASSACHUSETTS

JOHN HANCOCK LIFE INSURANCE COMPANY, et al.,	)	
Plaintiffs,	)	Civil Action No.
-vs-	)	05-11150-DPW
ABBOTT LABORATORIES,	)	
Defendant.	)	

I hereby certify that I have read the foregoing transcript of my deposition given at the time and place aforesaid, consisting of Pages 1 to 109, inclusive, and I do again subscribe and make oath that the same is a true, correct and complete transcript of my deposition so given as aforesaid, and includes changes, if any, so made by me.

LISE LOBERG

SUBSCRIBED AND SWORN TO
before me this day
of , A.D. 200 .

Notary Public

PART 11

Errata Sheet

Page: 1 Of Total Pages: 2

I wish to make the following changes to my deposition/statement:

Page #: 48, Line #: 11
As appears in Transcript: ISSUES
To: tissues
Reason: typographical error

Page #: 58, Line #: 6
As appears in Transcript: functions
To: fractions
Reason: incorrect word

Page #: 60, Line #: 24
As appears in Transcript: ISSUES
To: tissues
Reason: typographical error

Page #: 80, Line #: 5
As appears in Transcript: phrase
To: phase
Reason: typographical error

11-Apr-2007
DATE

DEPONENT'S SIGNATURE

Errata Sheet

Page: 2 Of Total Pages: 2

I wish to make the following changes to my deposition/statement:

Page #: 87, Line #: 24

As appears in Transcript: Cheri

To: Sherry

Reason: misspelling

Page #: ____, Line #: ____

As appears in Transcript: ____

To: ____

Reason: ____

Page #: ____, Line #: ____

As appears in Transcript: ____

To: ____

Reason: ____

Page #: ____, Line #: ____

As appears in Transcript: ____

To: ____

Reason: ____

11 Apr 2007
DATE

DEPONENT'S SIGNATURE

Deposition Exhibit 3

PART 1

MMPI WORKING GROUP MEETING MINUTES

1/11/01

Objective: Overall Project Update

Toxicology Review — *Lise Loberg*

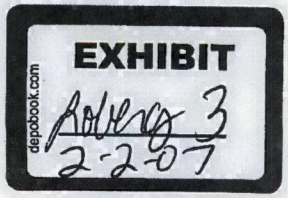
- There are currently two ongoing tox studies in rats, a six week study and a three month GLP study (with recovery). An overview of the study design and endpoints of interest was presented for the six week study (see attached slide – Tox Overheads 1&2). The main purpose of the six week study is to determine an etiology and mechanism for the steatosis noted in previous tox studies.
- Study timelines were presented for both studies (see attached slide – Tox Overhead 3). Draft results from the six week study should be available 5/01 and draft results with histopathology from the three month study should be available 7/01.
- The proposed three month tox study in monkeys is on hold until we receive feedback from the FDA at the pre-IND meeting.

Chem Sciences — *Steve Wittenberger*

- A review of the 2001 drug substance needs to re-supply the clinical studies was presented. There is currently enough product for the first two capsule campaigns in 2001, however, we will need to manufacture product for the third campaign.
- 10-15 kg of drug are anticipated from the first 2001 campaign (beginning in April, drug available in May). 6.5 kg are needed for the clinical studies (Phase I ex-Us and Phase I US).
- The formulation/automation work for Phase II will be performed later this year; 1 kg of drug substance will be needed.
- A request for bulk drug was made to support the veterinary study proposed by Khanna (see Discovery section below). It was noted that non-GLP drug could be used for veterinary studies rather than using leftover bulk drug from the GLP runs.
- The go-ahead was given to begin purchasing starting materials to have on hand for future runs.
- Steve communicated their department's goal of removing bulk substance availability from the rate limiting path. A commitment was made to produce enough bulk substance to support the transition team activities (provided the activities are communicated with sufficient time to plan a synthetic campaign). Enough bulk substance will be produced and delivered 6/01 to re-supply the clinical study, start the "Phase II" formulation work and perform the Khanna study (20kg should be more than enough).

Discovery — *Steve Davidsen*

- The proposal submitted by Khanna for an open-label veterinary study with ABT-518 in naturally occurring tumors was presented (see attached slide – Khanna proposal). Due to the large amount of bulk drug needed for the proposed study (9 kg), some potential abbreviated studies and study designs were discussed.
- Bob Hansen will follow-up with Khanna to discuss study design, drug needs, timelines, cost, and so on. In addition, Bob will talk to Khanna about coming in a presenting to the group.



MMPI WORKING GROUP MEETING MINUTES

1/11/01

John Cannon

PARD

- A review of the 2001 capsule campaigns was presented (see attached slide - PARD). Note: Assumes a final projected dose of 1000mg (i.e., worst case); lower doses will result in a significant reduction of bulk substance usage.
- Contract negotiations are in progress with MDS Pharma in Tampa for the first 200mg capsule run of 2001. We anticipate knowing by February what manufacturing method they will use in order to meet the 5/01 delivery timeline for the Phase I studies.
- The placement decision for the three subsequent 2001 campaigns is still in progress (either IDC or MDS). When all necessary information is available a proposal will be prepared for completion of these campaigns at MDS and/or IDC.

Dean Hickman

Metabolism Review

- The preliminary results of the competitive inhibition experiments conducted at CEDRA indicate that the metabolites (at 2 and 20 μM) are not competitive inhibitors (< 50% inhibition) of any pharmaceutically important CYP enzyme in humans (see attached slide- Metab 2). Furthermore, ABT-518 appears to be an inhibitor of only CYP3A under these conditions.
- The preliminary results of the mechanism based inhibition of CYP3A by ABT-518 and metabolites have been received from CEDRA but are still under review.
- Technical difficulties associated with the determination of Ki and Kinact for ABT-518 and some reference compounds are being reviewed. Estimates for some of these parameters will not be available by the end of January as originally expected.
- The in-life portion of a small Rat ADME study with [14C] ABT-518 has been completed and samples are being analyzed currently.

Diane D'Amico

Clinical Update

- A "best case scenario" timeline was presented for ABT-518 through Phase II (see attached slide – Clinical Timeline). All dates for the Phase I ex-US study were estimated using a four week EC approval time, however, EC approval may last as long as six weeks. The timelines for tox results were estimated and had not been confirmed by the tox team prior to the meeting (Note: See tox section for confirmed estimates). The IND timelines were taken directly from the Transition Strategy and will be discussed in detail during an internal IND meeting scheduled for 1/12/01.
- The first EC meeting was held on 1/9/01; initial feedback indicates minor changes and possible EC approval within two weeks.
- A teleconference will be scheduled to discuss the status of the PK method development and validation that is being performed by NKI's lab.

Steve Davidsen

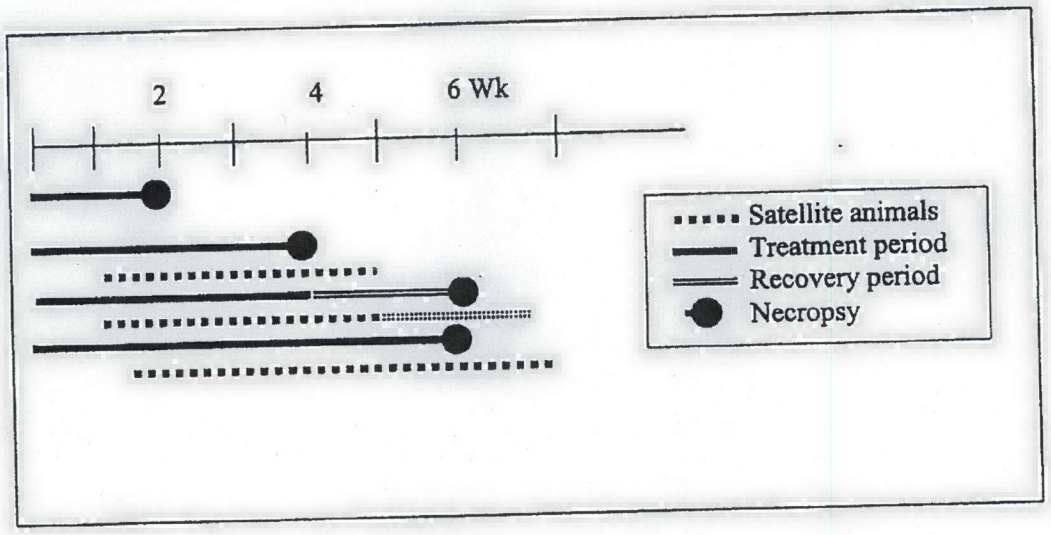
Other

- Steve suggested that the group considers looking at a back-up to ABT-518 stating that most drug companies try at least three drugs per class in humans. Steve suggested the diol (one of the ABT-518 metabolites) since it has a shorter half-life, increased potency, metabolites that may or may not accumulate and we already have some data on it.

Deposition Exhibit 3

PART 2

Six-week Oral Hepatotoxicity Study of Abbott-291518 in Rats (TA00-231)



Six-week Oral Hepatotoxicity Study of Abbott-291518 in Rats (TA00-231)

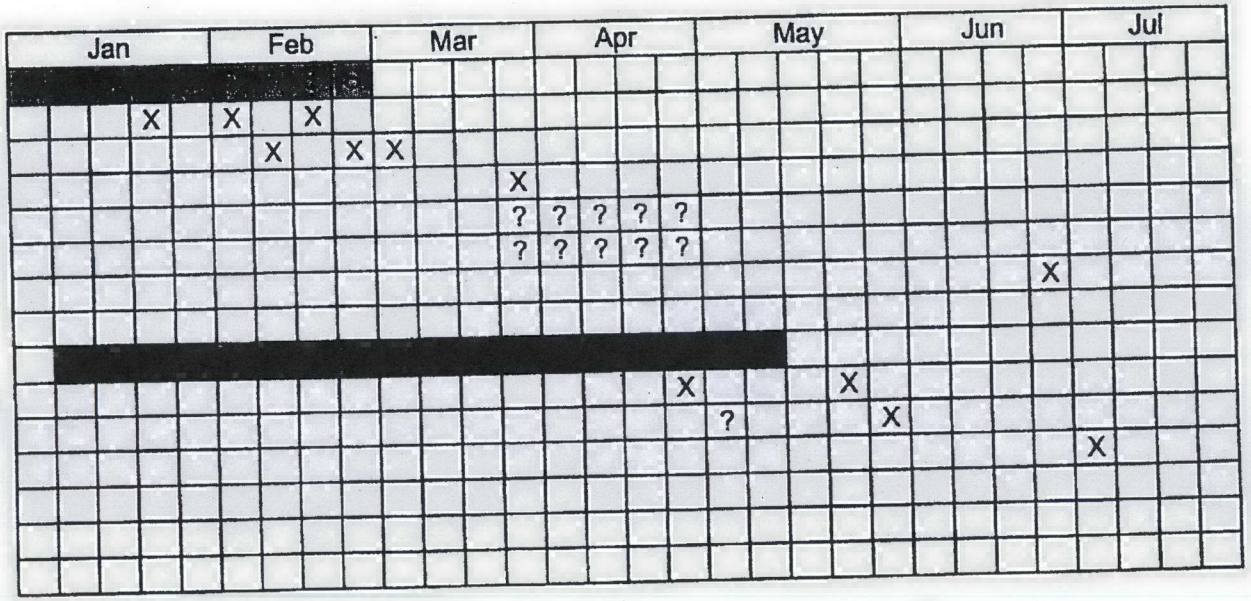
Endpoint of interest	Tissue
Clinical Chemistry ALT, AST, GGT Bile acids Free fatty acids Lactate/pyruvate	Blood
Urinalysis Ketones	Urine
Histopathology	Liver
Electron microscopy	Liver
Plasma drug levels	Blood
Mitochondrial membrane potential and mass	Freshly isolated hepatocytes
Mitochondrial respiration	Freshly isolated liver mitochondria
GSH/GSSG	Frozen liver mitochondria and/or frozen liver tissue
Fatty acid peroxidation in peroxisomes	Frozen liver tissue
ATP/glycogen *Lactate/pyruvate* *Lipid peroxidation* *Cytochrome C oxidase activity* *Enzymes/cofactors specific for fatty acid oxidation or oxidative phosphorylation* *Expression of mitochondrial genes encoding electron transport chain enzymes*	*Frozen liver tissue*

Toxicity Studies of Abbott-291518

Proposed Data Availability

6-Wk study (TA00-231)
Histo, Clin Chem, Urinalysis
Mitochondrial assays - fresh
Mitochondrial assays - frozen
Plasma drug levels
Electron microscopy
Report due: Jun 2001

3-Mo study (TA00-230)
Hemat, Clin Chem, Urinalysis
Histopathology (liver)
Histopathology (full)
Plasma drug levels
Electron microscopy
Report due: Sept 2001



Effect of ABT-518 in Naturally Occurring Tumors

Open Label Veterinary Trial – Chand Khanna, NIH

❖ **Full Study:** (analogous to ABT-526)

- open label study of single agent ABT-518 versus measurable (histologically confirmed) cancers in dogs and cats

- dogs (50 cases/year; up to 6 months): ca. 7.3 kg
- cats (35 cases/year, up to six months): ca. 1.5 kg

❖ **Possible Abbreviated Studies:**

- dogs with failing lymphoma (ca. 20 cases/year)
- cats with oral squamous cell carcinoma
- dogs failing ABT-526 therapy

8

Deposition Exhibit 8

MMPI WORKING GROUP MEETING MINUTES

4/12/01

Objective: Overall Project Update

Toxicology

Lise Loberg

- An update of the two current toxicology studies was presented (see attached slides – MMPI Toxicology Update).
- The in-life phase of the six-week study has been completed. The study was designed to answer two questions: 1) Does steatosis occur in all treatment groups (low, mid and high dose) and 2) Will steatosis occur with continued dosing versus only in recovery. Results were similar to the four-week study (hepatocellular steatosis in the higher dose recovery group). No steatosis was noted in either treated group. There is no glaring evidence of effects on mitochondrial function, however, selected samples will be sent out for assay of very long-chain fatty acids (VLCFA) to further investigate the possibility that peroxisomes are affected. The study did not provide an etiology for the steatosis, but one possible explanation may be that the steatosis is an effect of re-feeding.
- Necropy analysis of samples from the 3-month study was put on hold until further notice.

PARD

John Cannon

- A clinical supplies update was presented (see attached slides – MMPI Drug Update).
- The first 200 mg capsule campaign (4,140 capsules) was delivered to IDS for the clinical supply.
- PARD is still investigating the lower than expected yield rate of 75% versus the expected 95%. To date, it is suspected that the bulk density of sieved drug and standard deviation of empty capsules account for the yield difference.

Process Research and Development in GPRD

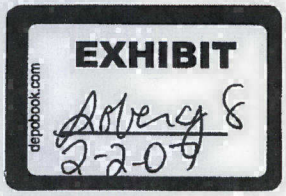
Steve Wittenberger

- Review of the planned timelines for bulk drug manufacturing was presented (see attached slides – MMPI Bulk Plan).
- Bulk drug production was put on hold until further notice. Bulk drug needs and timelines must be re-evaluated.

Metabolism

Dean Hickman

- An overview of the ongoing metabolism work was presented (see attached slides – MMPI Metabolism Update).
- Results from a single dose administration using intact male rats (N=2) showed drug metabolites are eliminated primarily through feces. Results from a single dose administration using bile duct cannulated rats (N=2) showed drug metabolites are eliminated primarily through bile. The profile of metabolites was very different in the bile duct cannulated rats.
- A new metabolite, sulphonic acid, has been identified in rats. It was not seen in the earlier toxicology studies for one of two reasons: it elutes very early (in the void) on the HPLC system or it co-eluted with another analyte.



MMPI WORKING GROUP MEETING MINUTES

4/12/01

- Re-analysis of rat and monkey tissue and plasma samples for sulphonic acid after multiple dosing will take place. Analysis of human plasma for sulphonic acid after multiple dosing of ABT-518 should be considered (investigative, non-GLP pilot study?)

Clinical

Diane D'Amico

- Two patients have enrolled in study M00-235. One patient prematurely discontinued and the other patient is currently active. The active patient will have their Day 22 visit next week. Two more patients are scheduled to dose on 4/23/01.
- The third and final PK method validation run was completed in the Netherlands (NKI). NKI expects to assay the first human samples in May. All samples for each day of a single cohort will be assayed together.

6

Deposition Exhibit 9

EXHIBIT
depobook.com
Loberg 9
2-2-07

Anne Hagey – Rotating MD

MMPI MONTHLY MEETING AGENDA
4/12/2001, 10:30-12:00, AP6A-1A
Objectives: To Review MMPI Project Status

NOTES

I. Toxicology – L. Loberg

- Results from 6 week rat study
- 3 month rat – (RX phase ends this week)

I. Findings: ALT, bile acids ↑ slight in HD ; GGT, bili ↑ HD, ↓ trig ≠ fibres; similar to study fatty acids HD; macro this time only, last time; high; micro & macro in lower & mid groups; ① determine if steatosis occurs in food ; not high) and ② if steatosis would occur w/ continued dosing → No – recovery only; results from in life phase s/b available next month; majority of findings = high dose group ; alopecia all; dehydration, emaciation = high; 4wk, 6wk recovery: fresh joints only; No effects on mitochondrial function seen or on peroxisomal function (but only 1 dose); subtle cell. Δ in both 4 & 6 wk groups; in HD animals, not in recovery; 2° isolation of cells not mitochondrial Δs; not worth discussing 2° uninterpretable; VLCFA very long chain fatty acids; why? ↓ weight & food consumption – HD animals only; ø effect on activity; not an uncommon finding; Study does not correct anything new; ø explanation for steatosis alone (lipidosis); "F/u phenomenon" of steatosis; seen w acute pancreatitis; 2° SER proliferation ? liver tests etc.? accumulation of metabolites; stop drug. Start eating again. Can handle it.

to determine effects on peroxisomes, their ability to metabolize VLCFA

Next time: in life 3mo. clinical observations

Slides; Hill

II. PK – B. Carr/ M. Rieser

- No update

Will not proceed w/ processing 3 month samples until hear from tox results

III. PARD – J. Cannon/ T. Garavalia/ S. Wittenberger

- Capsules analysis, Feton run- 101% against claim
- Process research is making additional drug

John; Steve

III: Still investigation low yield ↳ bulk density of sieved drug more it packs more you shake – bulk density ↑ (more compact) over time and ② higher standard deviation of empty capsules ∴ more narrow range for fill capsules (John)

Steve: Preparing to make more material 3 steps, ready in June; each run will take 2 wks; expect 15 kg; * Needs to find out pilot plant availability

Steve – Put on HOLD Now ; Will get back to you the we meet today

IV. Discovery – S. Davidson

- No Update

V. Metabolism – D. Hickman

- Rat ADME study update
  ↳ Single Dose

Dec; IIII

V – Route of elimination – feces almost entirely – profile of metabolites very different in bile duct cannulated animals & feces; slide 7 – ½ life of 2 days for metabolite (picks up where parent left off). we pt fished out in rodent PK

VI. Clinical– D. D'Amico

- PK method validation update- Netherlands
  -Day 1 PK samples from 2 patients collected
- 2 patients enrolled, 1 active
- 2 patients scheduled to enroll 4/23
- IND document collection continues

ø

Diane – Look @ financial costs (will we same?) NIH, Khanne studies need to be considered

Next Team Venture Meeting

When: Thursday, May 10, 2001
Where: AP6A-1A
Time: 10:30 – 12:00

* Per Peggy: Kill scenario : Leiden wants to make Go/No Go Decision Based on Competitor Data @ ASCO ; committed
IND Study: NIH : Nov / Dec-ish earliest start

sulphonic acid → see a in rat tissue extracts now - wasn't seen before
- presume it's sulfonic acid (metabolite that has long ½ life)
- why didn't we see sulfonic acid?
We didn't see it in monkeys, etc. → only seeing AR in rats so far
is started w/ new HPLC system to re-analyze rat & monkey tissue & plasma samples

In Plasma: 518 & sulphonic acid
In feces - see others

Should I Δ the protocol to have a W/O for sintrom & anti-coagulants

Post Meeting

Strategy: Perry's Plan to Kill if Leiden Says [redacted] No Go

Jeff wants to kill this; ARCO results neutral - negative; No ⊕

Opt ∅ KILL - Hard kill
Shelf (Opt 1 Stop everything - try to out-license (sell); keep doing stability, etc; pt cohorts continue
Opt 2 Put it on pause until ???
Opt 3 Offer pre-emptive plan for development → show how it shows/doesn't show benefit
Move forward (Perry's choice)

Put a plan in place - knowing where they are & what will do

Augusan - Add on to therapy
Proximal disease vs advanced disease
? joint effects ?
① explore non-oncologic indications
② how do we study proximal vs advanced

If we cut Ph I now - w/o nobody finishing - will partner up

SAFETY
joint - should answer in Ph I
↓ prohibit chronic drug administration

Activity - can answer in another Ph I study
PD → Intersect tumor tissues in melanoma & head & neck
IIb study
Xygomophy - approach
↓ IIa
easily measured
locally invasive disease
ACI, BE, PIN, DCIS - high levels
early bladder

Perry wants to give Jeff a WHITE SHEET now

May even work by itself ←

Can we select/rx them?

Page (2)

Other possibilities

Non Cancer: MS

Fibrosis — hepatic fibrosis, IPF, renal failure

polif — retinopathy

IPF = easy to measure, very attractive field → "immunology franchise"

Present Plan to John/Jeff now (or May 4, 5th)

Nobody has ever gotten approval for locally invasive disease. History weak

Mavinistat works in MS models. Does ours? Not known. Can we do some pre-clinical work?

Steve: will give list of non-cancer to Laurie & Perry to build stories for both

Finish Safety Study: $X Spend
If we move onto after — Gain $X
Show Benefit

"Enthusiasm is inversely proportional to knowledge" – Perry

Deposition Exhibit 10

Oncology Status Report

As Of: May 11, 2001

ABT-518 (MMPI)

M00-235 MD Study in Patients

- **Meetings:**
  - MMPI Team Meeting – 5/10/01 (Cancelled)
  - MMPI Team Meeting – 6/7/01
- **Activities:**
  1. **Clinical**
     - During ASCO, Todd will meet with Schellen, Zonnenberg and Looman to discuss the progression of cohorts. The first cohort will complete Day 29 on 5/21/01; cohort #2 (50mg) will begin enrolling on 5/21/01 if a Go decision is granted.
     - Preliminary feedback from the PK audit was good; no major observations noted. As soon as Matt provides the Dutch with feedback from the draft PK validation method report, the Dutch will prepare the final report for Abbott approval. Then, the Dutch will send Abbott a study plan for review and sign-off. After these two documents are final, the Dutch will be able to run patient samples (May).
     - PD Validation: According to Prof. Voest, they have encountered high variability in measuring levels of MMP-2 and MMP-9 in both urine and blood. They now feel that pursuing bioactivity assays may be the best way to go. They are performing additional tests and will give us an answer next week.
  2. **IND – No change from the previous version per D. D'Amico 5/11/01**
     - We will continue to meet with the groups over the next few weeks to determine timelines for reports that will be included as part of the IND package.
     - The Investigator's Brochure (IB) update will take place in June/July to include as much Toxicology data as possible. The clinical section, as well as any other sections, will also be updated. This new timeline will fit well with the timeline of out-licensing the compound this fall.
  3. **Metabolism – No change from the previous version per D. Hickman 5/11/01**
     - A major rat plasma metabolite has been tentatively identified by LC/MS/MS (we have not seen the reports from structural chemistry yet). Its structure, yet to be confirmed by NMR, is consistent with a biarylether sulphonic acid metabolite. A preliminary review of the literature (Medline, ISIS drug metabolism database and several drug metabolism texts) indicates that this is quite novel for a sulphone drug. This metabolite represents a new finding and given its prominence compared to

ABT-518 (sulfonic acid: ABT-518 AUC ratio of approximately 10 after a single dose) it will be something that we will want to look for in human plasma. We also plan to re-examine plasma/tissue extracts from preclinical tox studies (rat and monkey - ongoing) for this metabolite using radiolabeled isolate as a reference.

- CEDRA have reported their data on metabolism-based inhibition CYP3A in human liver microsomes. A draft report of ALL data was received on 12APR01. A preliminary look at the report suggests that of the 6 metabolites and ABT-518, only ABT-518 exhibits metabolism-based irreversible inhibition of CYP3A. The report appears to need a lot of work.

4. Toxicology

- The 6-week rat study has been completed. Results were similar to the four-week study (hepatocellular steatosis in the recovery group, but not in the 4-week or 6-week treated groups). While there is no glaring evidence of effects on mitochondrial function, we are going to send selected samples for assay of very long-chain fatty acids (to further investigate the possibility that peroxisomes are affected). Draft results are currently available and the report is expected by 6/2001.
- The 3- month GLP rat study (both the in-life phase and recovery) has been completed. Processing of histopathology slides has been put on hold until further notice. Therefore, draft results without histopathology will be available by 7/2001. The histopathology results and report will follow.

5. Drug Analysis

- The reanalysis of the monkey lab work is complete. The tabulation report is currently being written. The reanalysis of the rat is still underway.
- The 6-week and 3-month rat study samples have not yet been analyzed.

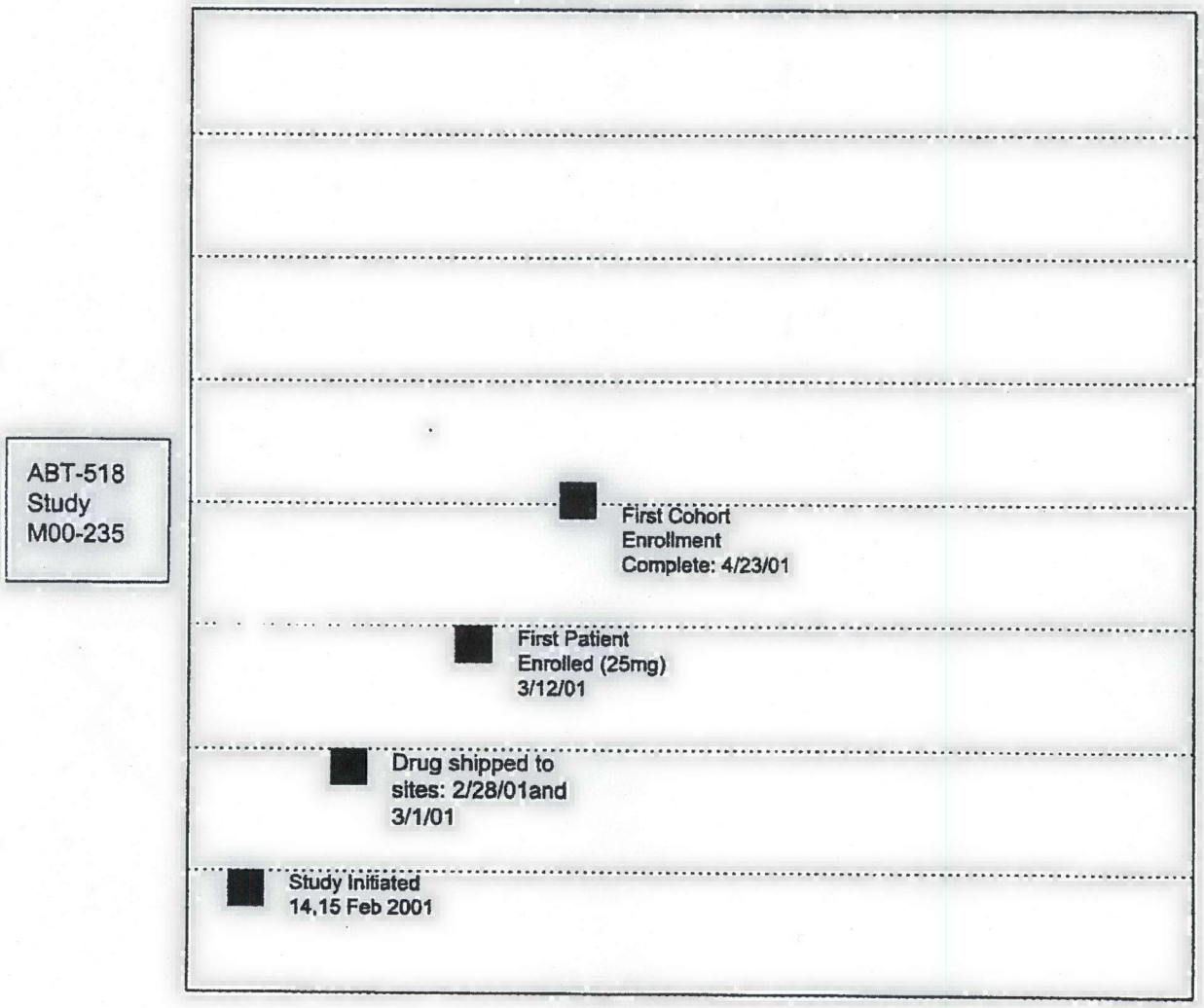
6. Drug

- The NPRO packet for the ABT-518 capsules (200 mg) manufactures by MDS Pharma is in the final review by IDQA; approval of the lot is expected soon.

7. Issues

- Review and confirm bulk drug manufacturing needs for IND studies (Bronson/D'Amico).

Timeline



Deposition Exhibit 14

Lise I Loberg/LAKE/PPRD/ABBOTT
06/06/2001 06:29 PM

To William M Bracken/LAKE/PPRD/ABBOTT@ABBOTT, Bruce A Trela/LAKE/PPRD/ABBOTT@ABBOTT, Ken R Majors/LAKE/PPRD/ABBOTT@ABBOTT, Chudy I Nduaka/LAKE/PPRD/ABBOTT@ABBOTT
cc
bcc
Subject ABT-518 update

As you heard in this morning's meeting, ABT-518 is on indefinite hold. (I guess that's what you'd call it.) At tomorrow's MMPI Team Meeting, I will give an update on ongoing projects and timelines for concluding the project. Please take a look at the attached file and fill in any dates that you can. Thank you!

(Oh yeah, the meeting is at 10:30 and I'd like to stop over at the Technology Exchange before the meeting. I'd appreciate your update by 9am if possible. Sorry for the short notice.)

MMPI Toxicology Activities.doc

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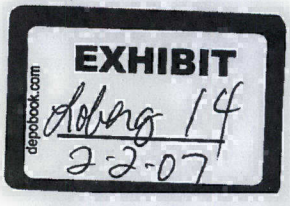

MMPI Toxicology Activities

Ongoing projects:
All studies completed (in-life) with reports in progress

1. Three-month rat toxicity study (TA00-230)
   In-life: **complete**
   Processing histopathology slides **on hold**
   Draft report (w/o histo, PK) completed _____
   Final report _____

2. Six-week rat hepatotoxicity study (TA00-231, non-GLP)
   Analysis of VLCFA on hold
   Draft report **in progress**; completed (w/o PK, VLCFA) **6/30/01**

3. Four-week oral toxicity study in monkeys (TC00-072)
   Draft report (w/o PK) finished
   Final report _____

4. One-month oral toxicity study in rats (TA00-070)
   Draft report (w/o PK) finished
   Final report _____

5. Genotoxicity studies (TX00-132, TX00-133, TD00-134)
   Awaiting final reports from Covance
   TD00-134 awaiting PK

Completed projects:

6. Acute toxicity studies (TA00-100, TD00-101, TA00-102, TD00-103)
   All final reports **issued**